In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.19396-M of 2007

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Date of decision:20.4.2007

Gaurav Chopra and another

.....Petitioners

v.

State of Haryana

.....Respondent

....

Present: Mr. Puneet Bali, Advocate for the petitioners.

Mr. Narinder Sura, Assistant Advocate General, Haryana for the respondent-State.

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S.S. Saron, J. (Oral)

The petitioners seek regular bail in FIR No.110 dated 10.3.2007 registered at Police Station D.L.F. Gurgaon for the offences under Sections 489-B/34 IPC.

As per allegations in the FIR the petitioners at about 2.00 a.m. in the morning while they were driving in their Maruti car went to the Rehri of complainant Smt. Jyoti Lakra and asked her to prepare omellete. While she was preparing the omelette one of the boys asked her that he is having four notes of Rs.50/- which will be useful for running the shop. He asked her for Rs.100/- notes and she gave him Rs.200/- and received four notes of Rs.50/- denomination in exchange. The said notes were counterfeit notes of

which report was lodged with the Police.

Learned counsel for the petitioners has contended that the notes were got by Gaurav Chopra (petitioner No.1) in the normal course of his business transactions as he supplies goods to shopkeepers at Delhi. Karan Sachdeva petitioner No.2 it is stated is only learning how to do trading of oil lubricants and he goes with petitioner No.1. It is further contended that the father of petitioner No.1 is on his death bed as he is suffering from cirrhosis of liver. He has been discharged virtually as a hopeless case. The petitioner No.1 has two unmarried sisters and mother who are solely dependent on him.

In response, learned counsel for the State has submitted that the petitioners have indulged in transaction of counterfeit notes and they are not entitled to the concession of bail as such type of incidents are on the rise. It is submitted that the father of petitioner No.1 has been discharged from the hospital.

I have given my thoughtful consideration to the matter. The petitioners were arrested on 10.3.2007. Their further custody in the case is not required. The trial in the case is likely to take time. The question whether the petitioners got the counterfeit notes in the normal course of transactions would be considered at the time of trial. The father of petitioner No.1, from the medical reports that have been produced, is indeed shown to be serious. According to the learned counsel for the petitioners the father of petitioner No.1 is on his death bed. The petitioner No.2 is stated to be only going with petitioner No.1 to do trading of oil lubricants.

In the facts and circumstances, without commenting on the

merits of the case lest it may prejudice the case of either side the petitioners on their furnishing personal bonds and sureties to the satisfaction of Chief Judicial Magistrate, Gurgaon shall be admitted to bail.

The criminal miscellaneous petitions stands disposed of.

April 20, 2007. **(S.S. Saron)**
Judge

hsp